

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1502 of 2019

Arising Out of PS. Case No.-255 Year-2018 Thana- RAXAUL District- East Champaran

NEHA KUMARI D/o Narmdeshwar Prasad @Narmdeshwar Prasad
Srivastava Resident of Village - Shukla Colony, Pankaj Chowk, Ward No. 8,
P.S.- Raxaul, Distt - East Champaran Motihari.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DITRCTOR GENERAL OF POLICE, BIHAR, PATNA
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, East Champaran Motihari
4. The Dy. S.P Raxaul, East Champaran Motihari
5. The Officer In Charge of Raxaul, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.M. Nasrul Huda Khan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 15-11-2019

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents *"to arrest the accused persons, who are accused in Raxaul P.S. Case No. 255/2018 lodged dated 10.09.2018 u/s 342, 323, 498A, 504,506, 34 IPC since date of lodging FIR, accused Upendra Kumar Srivastava @ Upendra Kumar is absconding."*

3. Learned counsel for the petitioner submits that even after lapse of more than a year since institution of the FIR, the accused Upendra Kumar Srivastava @ Upendra Kumar has been absconding after his anticipatory bail petition rejected on 04.04.2019. The petitioner therefore seeks a direction for arrest



of the said accused persons. It is stated that the investigation is going on and charge sheet has not been filed till date.

4. It is well settled that investigation of police pursuant to institution of the FIR falls within the exclusive domain of the executive. The police has adequate power to arrest the accused person and in case the accused person is absconding the procedure to be followed in such cases has been laid down in the Code of Criminal Procedure and the police may approach the Court for issuance of processes under Section 82 and 83 Cr.P.C., no interference by this Court in exercise of its extraordinary writ jurisdiction is called for.

5. The writ petitions stands dismissed.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.11.2019
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